

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

CHINESE CONSOLIDATED  
BENEVOLENT ASSOCIATION, an Oregon  
non-profit corporation,

Plaintiff,

v.

GENE M. CHIN, TONY HUI, KITSON YU,  
and MICHAEL CHI-WEI CHANG,

Defendants.

Case Number:

COMPLAINT  
(Declaratory Judgment)

Not Subject to Mandatory Arbitration

Claim for Equitable Relief  
Fee Authority: ORS 21.135(1),(2)(a)

COMES NOW Plaintiff Chinese Consolidated Benevolent Association ("CCBA") and  
alleges as follows:

1.

At all times relevant hereto, Plaintiff was an Oregon non-profit corporation with a  
principal place of business in Multnomah County, Oregon.

2.

At all times relevant hereto, Defendant Gene M. Chin ("Chin") was an individual  
residing in Oregon.

3.

At all times relevant hereto, Defendant Tony Hui ("Hui") was an individual residing in  
Multnomah County, Oregon.

4.

At all times relevant hereto, Defendant Kitson Yu ("Yu") was an individual residing in  
Multnomah County, Oregon.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

5.

At all times relevant hereto, Defendant Michael Chi-Wei Chang ("Chang") was an individual residing in Oregon.

6.

Defendants are all members of the CCBA. Chin and Chang are currently serving as advisors of the Board of Directors of the CCBA. Chin and Chang also are executive board members of the CCBA. Yu and Hui are currently serving as directors of the Board of Directors.

7.

On November 5, 2018, the CCBA held its biannual election which included the election of 20 directors on the Board of Directors, as well as the officers of the CCBA, for the two year term, beginning January 1, 2019, and ending December 31, 2020. Yu and Hui were running against Neil Lee and Victor Leo as CCBA candidates for President/Vice-President, respectively.

8.

The CCBA hired a neutral Certified Public Accounting (CPA) firm to administer the election process, which included opening the polls, supervising registration and certifying the ballot count on the day of the election.

9.

On the day of the election, the CPA firm, as it was hired to do, attempted to administer the election process. However, after the polls opened, the CPA firm was prohibited by various Yu supporters from conducting its job. The supporters excluded the CPA firm from the registration space and registered voters who did not have the proper identification. Additionally, various Yu supporters engaged in intimidation and other tactics to sway voters to vote for Yu while voting was taking place.

10.

The polls were scheduled to close at 8:00 p.m. on November 5, 2018. At approximately 3:30 p.m., the CPA firm informed CCBA President Raymond Wong that the election was

1 compromised and that the firm could not certify the results of the election due to the  
2 improprieties. At approximately 5:00 p.m., the executive board was informed of the same.  
3 President Raymond Wong declared the election to be null and void.

4 11.

5 During the afternoon and evening of the day of the election, the voting community for the  
6 CCBA became aware of the election improprieties. As a result, various potential voters decided  
7 not to vote in the afternoon and evening of the election.

8 12.

9 After the polls closed at 8:00 p.m., the executive board of the CCBA conducted an  
10 emergency meeting. At the meeting, it was agreed and declared that the ballot box would not be  
11 opened due to the election improprieties. The candidates, including Yu and Hui, were informed  
12 that President Raymond Wong had declared the election as null and void. Despite this, Chin  
13 demanded that the ballot box be opened and the ballots counted. Based on this count, which was  
14 conducted by Yu supporters, Chin and Yu declared Yu and Hui as President/Vice-President,  
15 effective January 1, 2019.

16 13.

17 On November 13, 2018, the executive board of the CCBA conducted an emergency  
18 meeting due to the death of President Raymond Wong. In accordance with the bylaws, the  
19 executive board unanimously agreed that the 2018-2019 Vice President, Neil Lee, would take  
20 office as the current President and continue to carry out all matters pertaining to the CCBA.

21 14.

22 Despite the fact that the election has been declared null and void, Defendants have posted  
23 and published written statements and announcements, and/or made oral statements, which  
24 declare the election results to be valid and which purport to be official statements of the CCBA.  
25 Despite the CCBA's demand for Defendants to cease and desist these actions, Defendants  
26 continue to make statements on behalf of the CCBA. Additionally, Defendants are planning an

1 inauguration party on January 1, 2019, and are sending out emails to CCBA members requesting  
2 volunteers to fill the various offices and committees of the CCBA. These actions are causing  
3 confusion among the CCBA members.

4 15.

5 Plaintiff has no adequate remedy at law.

6 16.

7 A justiciable controversy exists between the parties as to whether the election is valid or  
8 invalid.

9 17.

10 Plaintiff seeks: an order from the court declaring that the November 5, 2018, election is  
11 invalid, void, or voidable; for an order ratifying the decision of the CCBA to declare the election  
12 null and void; and for an order authorizing the 2017-2018 directors and officers of the CCBA to  
13 continue serving in their respective director and officer roles until a new, valid election is held.

14 WHEREFORE, Plaintiff prays for a judgment of this court as follows:

15 1) For an order declaring that:

16 a. The November 5, 2018, election is invalid, void, or voidable;

17 b. President Raymond Wong's determination that the election was null and  
18 void is ratified; and

19 c. The current 2017-2018 officers and directors of the CCBA are authorized  
20 to continue serving in their respective roles as officers and directors until a new,  
21 valid election is held.

22 2) For a temporary restraining order, preliminary injunction, and/or permanent  
23 injunction enjoining Defendants from: posting, publishing or making any oral or written  
24 statements or announcements which are purporting to be made on behalf of the CCBA, including  
25 any statements contending that the November 5, 2018, CCBA election is valid, or that Yu and  
26 Hui are the President/Vice President of the CCBA; and from holding CCBA meetings,

1 appointing committees, appointing officers, or otherwise attempting to direct or control the  
2 actions of the CCBA.

3 3) For costs and disbursements; and

4 4) For such other and further relief as the court may deem just and equitable.  
5

6 DATED this 21st day of December, 2018.

7 REEVES, KAHN, HENNESSY & ELKINS  
8

9 /s/ Tiffany A. Elkins

10 Tiffany A. Elkins, OSB No. 033110  
11 Reeves, Kahn, Hennessy & Elkins  
12 4035 SE 52<sup>nd</sup> Ave., P. O. Box 86100  
13 Portland, OR 97286  
14 Phone: 503-777-5473  
15 Fax: 503-777-8566  
16 Email: [telkins@rke-law.com](mailto:telkins@rke-law.com)  
17 of Attorneys for Plaintiff

18 Trial Attorney:

19 Gary K. Kahn, OSB. No. 814810  
20 Email: [greeves@rke-law.com](mailto:greeves@rke-law.com)  
21  
22  
23  
24  
25  
26